(B)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR
[CHHATTISGARH]

SINGLE BENCH

Misc.Appeal No. 849 OF 2005

APPELLANT
INSURER

Oriental Insurance Company Ltd.
Ambikapur, District-**Sarguja** [CG]

VERSUS

RESPONDENTS
CLAIMANTS

1. Ramlal alias Samaylal s/o Mahiwat alias Vulchu, By Caste-Gond, aged 31 years, Occupation-Agriculture.

2. Shyama Bai w/o Ramlal alias Samaylal, aged 28 years, By Caste-Gond, Occupation-House Wife.

(Both r/o Gram-Sorga, P.S. Patna, Tehsil-Baikunthpur, District **Koriya** (CG).

P.R. No. 879 Dt. 29-12-05
Presented dated 29-12-05

OWNER

3. Subhash Chand s/o Teluram Bansal, aged 40 years, Occupation-Business.

DRIVER

4. Naveen Kumar alias Dabbu s/o Subhash Chand Bansal, aged 22 years.

(Both r/o Gram-Chandrapur, P.S. & Tehsil Surajpur, District **Sarguja** (CG).

APPEAL U/S 173 OF MOTOR VEHICLES ACT, AGAINST THE AWARD/ORDER DATED 17/12/2004 PASSED BY THE ADDITIONAL MOTOR ACCIDENT CLAIMS TRIBUNAL, BAIKUNTHPUR IN C.T. NO.3/2002, COPY OF WHICH HAS BEEN APPLIED FOR ON 20/12/2004 AND RECEIVED ON 29/12/2004.

(12)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक M.A. (C.R.) No. 879/05 सन् 200
MA 649/08

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

8-7-2005

Mr. Abhishek Sinha, counsel for the appellant.

Learned counsel for the appellant submits that he has filed receipt regarding deposit of award amount in the office of Additional Registrar (Judicial) today.

Heard on admission.

This is an appeal filed against the order dated 17-12-2004 passed by the Additional Motor Accidents Claims Tribunal, Baikunthpur in Claim Case No.3/02.

Vide impugned order, the claim case has been dismissed for want of prosecution on behalf of the claimants, mentioning that, amount paid under Section 140 of the Motor Vehicles Act shall not be refundable. This order is not an award in term of Section 168 of the Motor Vehicles Act, therefore, the appellant has no right to assail the same under Section 173 of the Motor Vehicles Act treating the order as an award.

The appeal is not maintainable, therefore, liable to be dismissed, and is accordingly dismissed. However, the appellant may take appropriate remedy if available under the law.

Sd/-
Vijay Kumar Shrivastava
Judge